IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 32483 of 2003(P)

PETITIONER:

KURIAKOSE P. MANI, AGED 47 YEARS,
S/O. P.J.MANI, PUTHOOR HOUSE, PERUVA P.O.,
KOTTAYAM.

BY ADV. SRI.JACOB SEBASTIAN
SRI.M.A.RASHID

RESPONDENTS:

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1. DISTRICT COLLECTOR, KOTTAYAM.

2. DEPUTY TAHSILDAR (R.R) VAIKOM.

3. THE VILLAGE OFFICER, MULAKKULAM.

4. KSIDC, ERNAKULAM, REPRESENTED BY ITS SECRETARY.

5. M/S. RON MARITIME LIMITED, FLAT NO.103, PANCHAYAT APARTMENT, AMBALIPADAM ROAD, VYTTILA, KOCHI-682019, MANAGING DIRECTOR, K.P.BENNY ROHAL

BY GOVERNMENT PLEADER – ADV. SMT.SMITHA
SRI.M.PATHROSE MATTHAI (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 32483/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE SALE ADVERTISEMENT IN INDIAN EXPRESS ON 12/04/2002 BY THE 4TH RESPONDENT.

EXT.P2 COPY OF THE SUBSIDY SCHEME.

EXT.P3 COPY OF THE NOTICE DATED 17/6/2000.

EXT.P4 COPY OF THE SECTION 7 NOTICE.

EXT.P5 COPY OF THE SECTION 34 NOTICE.

EXT.P6 COPY OF THE PROPERTY VALUATION REPORT OF THE MORTGAGE PROPERTY TO GIVEN BY EXPORT VALUER, A SAIN-UL-ABDEEN ON 27/8/1997.

EXT.P7 COPY OF THE PROPERTY VALUATION REPORT OF THE MORTGAGE PROPERTY TO GEN BY EXPORT VALUUER, A SAIN-UL-ABDEEN ON 28/7/1998.

EXT.P8 COPY OF THE APPEAL BEFORE THE 1ST RESPONDENT.

EXT.P9 COPY OF THE OBJECTION SUBMITTED BEFORE THE 2ND AND 3RD RESPONDENT.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 32483 of 2003 P

Dated, this the 23rd day of March, 2007

J U D G M E N T

Petitioner is challenging recovery proceeding for recovery of arrears of loan availed by 5th respondent company, of which petitioner was a Director. Respondents have produced counter affidavit along with Deed of Guarantee executed by the petitioner, by which petitioner is liable and can be proceeded against him, if default is committed by the 5th respondent. Therefore recovery proceedings can be initiated against the petitioner for recovering all dues due to KSIDC. In the circumstance, and in view of the deed of guarantee executed by the petitioner, recovery is perfectly in order and the WPC is dismissed as devoid of any merit.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg